

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONWIDE LIFE INSURANCE COMPANY,

Plaintiff/Counter-Defendant,

vs.

Case No. 11-12422

WILLIAM KEENE, JENNIFER KEENE,
MONICA LYNNE LUPILOFF, NICOLE RENEE
LUPILOFF, and NICOLE RENEE LUPILOFF,
Personal Representative of the Estate of GARY
LUPILOFF, deceased,

HON. AVERN COHN

Defendants,

and

MONICA LYNNE LUPILOFF, NICOLE RENEE
LUPILOFF, and NICOLE RENEE LUPILOFF,
Personal Representative of the Estate of GARY
LUPILOFF, deceased,

Defendants/Counter-Plaintiffs and Cross-Plaintiffs,

vs.

WILLIAM KEENE and JENNIFER KEENE,

Defendants/Cross-Defendants.

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**ORDER GRANTING DEFENDANTS/COUNTER-
PLAINTIFFS MONICA LYNNE LUPILOFF'S AND
NICOLE RENEE LUPILOFF'S MOTION TO COMPEL (Doc. 89)**

This is an interpleader action involving the right to proceeds of a life insurance policy on the life of Gary Lupiloff ("Lupiloff"). The facts are stated in multiple orders and are not repeated here. See (Docs. 45, 55, 57, 77, and 83).

Plaintiff/Counter-Defendant Nationwide Life Insurance Company ("Nationwide")

takes the position that Defendant/Cross-Defendant William Keene (“Keene”) murdered Lupiloff and procured the policy with the intent of murdering Lupiloff. Therefore, Nationwide says that the insurance policy is void. Nationwide’s claim has been bifurcated from the competing claimants’ claims to the proceeds. (Doc. 83).

After a trial date was set, the Defendants/Counter-Plaintiffs Monica Lynne Lupiloff and Nicole Renee Lupiloff (the “Lupiloff daughters”) filed a motion to compel production of documents in the possession of the Royal Oak Police Department (“Royal Oak”) that relate to Keene prior to the date of the death of Lupiloff. The Court held an ex parte meeting with Royal Oak and the Oakland County Prosecutor’s Office (“Oakland County”) on January 23, 2014. At the meeting, the Court required that the entirety of Royal Oak’s file be turned over to the Lupiloff daughters. The Lupiloff daughters’ motion to compel is, therefore, GRANTED.

Subsequent to the ex parte hearing Royal Oak provided the Court with an index of the documents that were displayed at the meeting. Copies of these documents, which Royal Oak represents make up the entirety of its file, must be provided to the Lupiloff daughters. The following is a list of the documents:

1. Bank One statements, William F. Keene – 10/03 to 6/10
2. Chase/Bank One statements, Jennifer E. Baker or William F. Keene – 7/05 to 6/10
3. Chase statements, BK II Development, L.L.C. – 9/09 to 6/10
4. Sears statements, William F. Keene – 9/03 to 10/06
5. Home Depot statements, William F. Keene – 12/06 to 11/09
6. Citi Driver’s Edge statements, William Keene – 2/04 to 6/10

7. Royal Oak Police Department Incident Report #09-5179
8. Royal Oak Police Department Incident Report #10-2989
9. Facebook Profile, Bill Keene
10. Continuing Education, William Frazer Keene
11. At&t Subscriber Information, William Keene
12. E-Mail, Bill Keene to Gary Harmon, 11/13/06
13. E-Mail, Bill Keene to Gary Harmon, 6/13/07
14. E-Mail, Bill Keene to Gary Harmon, 7/30/07
15. E-Mail, Bill Keene to Gary Harmon, 7/30/07
16. E-Mail, Bill Keene to Gary Harmon, 8/10/07
17. E-Mail, Bill Keene to Gary Harmon, 8/28/07

Given the volume of documents, Royal Oak is only required to provide one copy to the Lupiloff daughters' lawyer. The Lupiloff daughters' lawyer shall share the documents with the rest of the parties.

Discovery is now complete. There are no pending motions.

The final pretrial conference is reset to Tuesday, March 25, 2014 at 2:00 p.m. Trial will commence on Monday April 7, 2014 at 9:00 a.m.

Each party shall file twenty (20) days before trial realistic witness lists and a statement briefly describing the testimony of each witness.

Each party shall file twenty (20) days before trial exhibit lists numbered for trial together with a book of the exhibits.

Nationwide shall file twenty (20) days before trial a set of instructions on the law of the case together with a verdict form.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 30, 2014

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 30, 2014, by electronic and/or ordinary mail.

s/Carol Bethel for Sakne Chami
Case Manager, (313) 234-5160